

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Water Statutes (Title 38)

Including Pollution Control, Water Classification Program,
Lake Assessment and Protection Program, and other provisions



WATER STATUTES

Title 38

Note Concerning the Text

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication is current to the end of the Second Regular Session of the 122nd Legislature, but is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

A table of contents has been added, citations concerning repeals, and information concerning other available publications. This material is not part of the codified statutory text.. Where whole articles or sections have been repealed by the Legislature, they have been removed from the text and the citations included in Appendix A. Repeals at the subsection level and below are indicated in the text. Note that the year shown in a repeal citation indicates the session of the Legislature that enacted the repeal: this year is not necessarily the effective date of the repeal.

Other publications

The following statutes are not included in this publication, but are available in separate handouts from the DEP's Bureau of Land and Water Quality:

- *Mandatory Shoreland Zoning Act*
- *Natural Resources Protection Act*
- *Performance Standards for Excavations for Borrow, Clay, Topsoil, or Silt*
- *Performance Standards for Quarries*
- *Site Location of Development Law*
- *Water Levels (within publication titled "Regulation of Water Levels and Minimum Flows")*
- *Waterway Development and Conservation Act (within publication titled "Regulation of Hydropower in Maine")*

Statutory text may be accessed on-line through the Maine Revisor of Statutes' web site at: <http://janus.state.me.us/legis/statutes/> When using the text on this web site, note the information on the web page concerning the currency of the text. Changes from a prior legislative session are not immediately incorporated.

[/janus.state.me.us/legis/statutes/](http://janus.state.me.us/legis/statutes/)

*Links to most of the recent amendments affecting the Water Statutes are available at:
<http://www.maine.gov/dep/blwq/legis99.htm>*

Amendments affective August 23, 2006 are described in PL 2005, c. 561, An Act to Amend Certain Laws Administered by the Department of Environmental Protection (sections 1 and 10).

The DEP Land and Water Bureau web page is located at: <http://www.state.me.us/dep/blwq>

TABLE OF CONTENTS

(repealed articles and sections are not listed)

Subchapter I
Environmental Protection Board

<u>Section</u>	<u>Page</u>
Article 1, General Provisions	
361-A. Definitions.....	1
362. Authority to accept federal funds.....	2
362-A. Experiments and scientific research in the field of pollution and pollution control.....	3
363-D. Waiver or modification of protection and improvement laws.....	3
372. Exceptions.....	3
Article 1-B, Ground Water Protection Program	
401. Finds and purpose.....	4
402. Research.....	4
403. Ground water quality.....	4
404. Ground water rights.....	5
Article 1-E, Marine Environmental Monitoring Program	
410-F. Marine Environmental Monitoring Program.....	6
410-G. Report required.....	6
Article 1-F, Nonpoint Source Pollution Program	
410-H. Definitions.....	7
410-I. Cooperation with agencies.....	7
410-J. Program implementation.....	7
410-K. Program review.....	8

Article 1-G, Lakes Assessment and Protection Program	
410-L. Lakes Assessment and Protection Program established.....	9
410-M. Lakes assessment and protection.....	9
410-N. Aquatic nuisance species control.....	9
Article 2, Pollution Control	
411. State contribution to pollution abatement.....	11
411-A. State contribution to residential overboard discharge replacement projects.....	12
411-B. Planning.....	13
412. Grants by State for planning.....	13
412-A. Technical and legal assistance.....	13
412-B. Consultation on waste water disposal.....	13
413. Waste discharge licenses.....	14
414. Applications for licenses.....	18
414-A. Conditions of licenses.....	19
414-B. Publicly owned treatment works.....	22
414-C. Color pollution control.....	23
417. Certain deposits and discharges prohibited.....	24
417-A. Manure spreading.....	24
418. Log driving and storage.....	24
418-A. Protection of the lower Penobscot River.....	25
419. Cleaning agents containing phosphate banned.....	25
419-A. Prohibition on the use of tributyltin as an antifouling agent.....	26
419-B. Goals for dates of removal of transformers containing polychlorinated biphenyls.....	27
419-C. Prevention of the spread of invasive aquatic plants.....	27
420. Certain deposits and discharges prohibited.....	28
420-A. Dioxin monitoring program.....	31
420-B. Surface water ambient toxic monitoring program.....	32
420-C. Erosion and sedimentation control.....	34
420-D. Storm water management.....	35
423. Discharge of waste from watercraft.....	38
423-A. Discharge of waste from motor vehicles.....	39
423-B. Watercraft sanitary waste pump-out facilities at marinas.....	39
423-C. Registered owner's liability for vehicle illegally discharging waste.....	39
423-D. Graywater and blackwater discharges from commercial passenger vessels.....	40
424. Voluntary water quality monitors.....	42

Article 3, Enforcement	
451. Enforcement generally.....	43
451-A. Time schedule variances.....	43
452. Forms filed: right of entry; furnishing information.....	46
Article 4-A, Water Classification Program	
464. Classification of Maine waters.....	47
465. Standards for classification of fresh surface waters.....	56
465-A. Standards for classification of lakes and ponds.....	60
465-B. Standards for classification of estuarine and marine waters.....	60
465-C. Standards of classification of ground water.....	61
466. Definitions.....	62
467. Classification of major river basins.....	63
468. Classifications of minor drainages.....	77
469. Classifications of estuarine and marine waters.....	79
470. Classification of ground water.....	84
Article 4-B, Water Withdrawal Reporting Program	
470-A. Definitions.....	85
470-B. Threshold volumes for reporting.....	85
470-C. Exemptions.....	86
470-D. Filing of reports by users; aggregation of data.....	86
470-F. Local water use policies encouraged.....	87
470-G. Report to Legislature.....	87
470-H. Water use standards; rules.....	87
Subchapter II	
Interstate Water Pollution Control	
Article 1, COMPACT	
491. Applicability of provisions—Article I.....	89
491-A. Reaffirmation of support—Article I-A.....	89
492. Creation of commission—Article II.....	89
493. Membership of commission—Article III.....	89
494. Organization and operation—Article IV.....	89
495. Standards and classifications—Article V.....	90
496. Abatement and control of pollution—Article VI.....	90
496-A. Personnel and programs—Article VI-A.....	91
496-B. Water quality network—Article VI-B.....	91
496-C. Limitations—Article VI-C.....	92
497. Additional controls; pending actions—Article VII.....	92
498. Appropriations—Article VIII.....	92
499. Separability of provisions—Article IX.....	92
500. Negotiation with New York state—Article X.....	92
501. Effective date—Article XI.....	92
Article 2, Administrative Provisions	
531. Execution by Governor; form of execution.....	93
532. Commissioners; appointment.....	93
533. compensation.....	93

534. Reservations and limitations.....	93
535. Appropriations.....	94
536. Interpretation and purpose.....	94
537. Effective date.....	94

Subchapter III
Criminal Liability

571. Corrupting waters forbidden.....	95
---------------------------------------	----